

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CLAUDIA GONZALEZ,

Plaintiff,

v.

MERCANTILE ADJUSTMENT BUREAU, LLC,  
JOHN DOE and JANE DOE Nos. 1–25,

Defendants.

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**MEMORANDUM & ORDER**  
13-CV-4078 (MKB)

MARGO K. BRODIE, United States District Judge:

Plaintiff, Claudia Gonzalez commenced this action on or about July 17, 2013, on behalf of herself and all others similarly situated against Defendants Mercantile Adjustment Bureau, LLC and John and Jane Does 1–25, alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et. seq.* (“FDCPA”). (Docket Entry No. 1.) By order dated September 13, 2013, Plaintiff’s motion to proceed *in forma pauperis* was granted, and Plaintiff’s counsel was directed to serve process by mail. (Docket Entry No. 5.) On November 22, 2013, Magistrate Judge Cheryl L. Pollak ordered the parties to provide a status letter within 30 days. On January 28, 2014, noting that the parties had failed to provide a status letter, Judge Pollak ordered Plaintiff to provide a status letter to the Court within 30 days. (Docket Entry No. 6.) Judge Pollak warned Plaintiff that failure to do so would result in a recommendation that the case be dismissed for lack of prosecution. (*Id.*) Plaintiff did not submit a status letter. By Report and Recommendation (“R&R”) dated March 11, 2014, Judge Pollak recommended that the Court dismiss the Complaint for failure to prosecute. (Docket Entry No. 7.) No objections were filed.

A district court reviewing a magistrate judge’s recommended ruling “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “Failure to object to a magistrate judge’s report and recommendation within the prescribed time limit ‘may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.’” *Sepe v. New York State Ins. Fund*, 466 F. App’x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party waives appellate review of a decision in a magistrate judge’s Report and Recommendation if the party fails to file timely objections designating the particular issue.”).

The Court has reviewed the unopposed R&R, and, finding no clear error, the Court adopts Judge Pollak’s R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). The Court dismisses the Complaint pursuant to Rule 41(b) of the Federal Rules of Civil Procedure based on Plaintiff’s failure to prosecute this action. *See* Fed. R. Civ. P. 41(b) (providing for dismissal of an action “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order”). The Clerk of the Court is directed to close this case.

SO ORDERED:

s/MKB  
MARGO K. BRODIE  
United States District Judge

Dated: May 27, 2014  
Brooklyn, New York